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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/604,744	06/28/2000	Yasuo Suda	/35,C14593	5289
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FITZPATRICK CELLA HARPER & SCINTO 30 ROCKEFELLER PLAZA NEW YORK, NY 10112			EXAMINER SOLOMON, GARY L	
			ART UNIT 2615	PAPER NUMBER 11
DATE MAILED: 07/13/2004				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/604,744

Applicant(s)

SUDA, YASUO

Examiner

Gary L Solomon

Art Unit

2615

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 April 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-13 and 15-17 is/are rejected.
- 7) ☒ Claim(s) 14 and 18-21 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 10.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed 4-30-2004 have been fully considered but they are not persuasive.
2. In response to the Applicant's argument that the Miyazaki '572 patent fails to disclose the guide path forming portions, as disclosed in the present application, the examiner respectfully disagrees.

There are two guide path-forming portions, which are clearly illustrated in Figure 1. The guide path forming portions each contain an object optical system **(15 and 16)** and respective image pickup portion **(21 and 22)**. Each guide path sends all three-wavelength components to a color filter array, which break up the wavelength components into red, green and blue **(Column 4, Lines 10-30)**. The different wavelength components are further guided onto the image pick up portions **(21 and 22)**.

In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., **"the Miyazaki '572 patent fails to disclose or suggest providing different guide paths to different wavelength components included in the incident object light, respectively, so as to guide the different wavelength components onto different image pickup portions, respectively,"**) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-7, & 17 are rejected under 35 U.S.C. 102(b) as being anticipated by Miyazaki (US 4,873,572).

For claim 1, Miyazaki discloses an image pickup apparatus comprising:

first and second image pickup portions for receiving at least a first wavelength component of an object light and a second wavelength component of the object light different from the first wavelength component, respectively;

(Column 4, Lines 10-26. The first and second image pickup portions are items 21 and 22 in Figure 1. They pickup the three primary wavelength colors Red, Green, and Blue.)

first and second optical systems for projecting the object light onto said first and second image pickup portions, respectively, via different optical paths, said second optical system projecting the object light also onto said first image pickup portion; and

(Figure 1 & 20. There are two optical systems present in the Figure 1. They are identified as Items 15 and 16. They each provide two different optical paths into the first and second image pickup portions as is clearly shown in Figure 1.)

guide path forming portions arranged correspondingly with said first and second image pickup portions, respectively, so that each of said guide path forming portions receives the object

Art Unit: 2615

light including the first and second wavelength components and provides different paths thereto, respectively, so as to guide the wavelength components from the optical system corresponding to each of said guide path forming portions among the received first and second wavelength components onto the image pickup portion corresponding to each of the forming portions.

(Figure 1; From the first and second lens systems, two different guide paths are formed, which correspond to the image pickup portions. Both guide paths receives all three primary color object light wavelength components Red, Green, and Blue.)

(Figure 20; Column 4, Lines 10-30, Figure 1 and 2a and 2b. In Figure 2a and 2b, the portions on the image pickup may be overlapping or non-overlapping.)

For claim 2, Miyazaki discloses all the previous limitations and also wherein said first wavelength component is a representative wavelength of light of a first spectral distribution and said second wavelength component is a representative wavelength of light of a second spectral distribution which is different from said first spectral distribution.

(Column 4, Lines 10-26. The first and second image pickup portions are items 21 and 22 in Figure 1. They pickup the three primary wavelength colors Red, Green, and Blue.)

For claims 3 and 4, Miyazaki discloses all the previous limitations and also wherein said first spectral distribution is a spectral distribution including peak wavelength of a luminosity factor.

(This is inherent. The visible wavelength in the luminosity factor is the color green)

For claim 5, Miyazaki discloses all the previous limitations and also wherein said first and second wavelength components are two different color components among red, green, and blue.

(Column 4, Lines 10-26. The first and second image pickup portions are items 21 and 22 in Figure 1. They pickup the three primary wavelength colors Red, Green, and Blue.)

For claim 6, Miyazaki discloses all the previous limitations and also wherein said first and second optical systems comprise a filter for extracting said first and second wavelength components respectively.

(Column 4, Lines 10-26. Although not shown as indicated in the previous Column and Line numbers, there is an RGB filter of the mosaic for extracting the first and second wavelength components.)

For claim 7, Miyazaki discloses all the previous limitations and also wherein each of said first and second optical systems comprises a single lens.

(Figure 20)

For claim 17, Miyazaki discloses all the previous limitations further comprising:
a plurality of openings for taking in external light through said first and second optical systems.

(Figure 20)

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

Art Unit: 2615

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Miyazaki (US 4,873,572).

Miyazaki discloses all the previous limitations, but lacks the teaching of the claim.

However, it would have been obvious to one of ordinary skill in the art at the time of the invention to configure a single lens provided with an infrared cutting filter in order to cut off infrared rays in the lens and thus provide a better image. Official notice is given.

6. Claim 8, 9, 11, 15, and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Miyazaki (US 4,873,572) in view of Denyer (WO 93/11631).

For claim 8, Miyazaki discloses all the previous limitations, but lacks teaching wherein the lenses of said first and second optical systems are integrally formed of a glass material or a resin material. However, Denyer teaches a system wherein a plurality of single lenses of said plurality of optical systems are integrally formed of a glass material or a resin material.

(Page 16, Lines 11-15. Lenses are made of a glass or resin material. This is notoriously well known in the art and therefore would have been obvious to one of ordinary skill in the art at the time invention to use lenses of glass or resin material in Miyazaki's apparatus because they are a suitable optical material to produce lenses.)

For claim 9, Miyazaki discloses all the previous limitations and also wherein a light-shielding layer provided between said integrally formed single lenses.

(Column 5, Line 55 through Column 6, Line 5)

For claim 11, Miyazaki discloses all the previous limitations, but lacks teaching wherein the first and second lenses are made of photo chromic glass. Denyer also teaches a system wherein each of said plurality of optical systems comprises photo chromic glass.

(Page 16, Lines 11-15)

For claim 15, Miyazaki discloses all the previous limitations and also wherein said first and second image pickup portions are integrally formed. Denyer discloses all the previous limitations wherein said plurality of image pickup portions are integrally formed.

(Figure 1; Page 9, Line 24)

For claim 16, Miyazaki discloses all the previous limitations, but lacks teaching wherein said plurality of image pickup portions are formed in a plane shape. Denyer teaches wherein said plurality of image pickup portions are formed in a plane shape.

(Page 16, Lines 17-18)

7. Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Miyazaki (US 4,873,572) in view of Nakanishi (US 6,157,420).

Miyazaki discloses all the previous limitations, but fails to disclose the first and second optical systems comprising a color purity correction filter. However, Nakanishi teaches the use of color purity correction filters.

(Figures 6A-6C and Column 12, Lines 20-22. The filters are required color correction of color purity and are well known in the art.)

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to combine color purity filters with Mizyaki's system in order to restrict one of the RGB colors wavelength ranges.

Art Unit: 2615

8. Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Miyazaki (US 4,873,572) in view of Motta (US 5,565,914).

For claim 13, Miyazaki discloses all the previous limitations, but fails to disclose but lacks teaching wherein there is filter whose transmission factor of the filter becomes smaller as the optical axis becomes longer. However, in analogous art, Motta teaches a filtering function which the transmission factor (**sensitivity**) becomes smaller as distance from the optical axis (**Y**) becomes longer in **Figure 8A (Column 5, Lines 30-41)**.

Therefore, it would have been obvious to combine the Miyazaki teaching with the idea of the decreasing transmission factor with distance of Motta in order to increase resolution.

Allowable Subject Matter

9. Claim 14 objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

10. The following is a statement of reasons for the indication of allowable subject matter:

The limitations set forth in the claim are not all disclosed in the prior art. The limitation, “when a virtual object distance D [m] is defined as a function of an image pickup angle θ [degrees] of said optical systems to be $D = 1.4/\tan(\theta/2)$,” is novel.

11. Claim 18 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

12. The following is a statement of reasons for the indication of allowable subject matter:

The limitation of the claim “second filter for extracting said first wavelength component which comes through said first filter” is not disclosed in the prior art. The references pertinent to the disclosed invention each have a filter for the respective component and not the limitation as previously noted.

13. Claim 19 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

14. The following is a statement of reasons for the indication of allowable subject matter:

The limitation of the claim “same polarizing direction as that of said first polarizing filter” is not disclosed in the prior art.

15. Claims 20 and 21 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

16. The following is a statement of reasons for the indication of allowable subject matter:

The following limitations are not disclosed in the prior art: “wherein said guide path forming portion includes a microlens for receiving the object light projected by said first optical system and guiding the object light to said first image pickup portion, said microlens receiving the object light projected by said second optical system onto said first image pickup portion and not guiding the object light to said first image pickup portion”.

The prior art doesn't disclose a microlens that guides light from a first optical system to the first image pickup portion and a microlens receiving light from the second optical system and not guiding it to the first image pickup portion.

Art Unit: 2615

Claim 21 adds a further limitation of the microlens being offset.

Conclusion

17. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a).

Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

18. A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.


19. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gary L Solomon whose telephone number is (703)-305-4370. The examiner can normally be reached on Monday - Friday 8:00 AM - 5:00 PM.

20. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ngoc-Yen Vu can be reached on (703)-305-4946. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 2615

21. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

GLS



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